

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIMOTHY P. GILL,

Plaintiff,

V.

JOHN E. POTTER, Postmaster
General U.S. Postal Service,

Defendant.

4:08CV3235

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion to Dismiss (filing no. [5](#)), which the court construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). Service has not yet occurred and no answer has been filed. Plaintiff's Motion is therefore granted and this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Dismiss (filing no. [5](#)) is granted. Plaintiff's Complaint and this action are dismissed without prejudice.
2. A separate judgment will be entered in accordance with this Memorandum and Order.

December 3, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge